

PLANNING BOARD MINUTES – SEPTEMBER 16, 2003

Present: Walter Murray, Chairman
Steve Sareault, Vice-Chairman
Tom Sloan
Walker Fitch
Paul Amato
Jim. Dannis
N. O'Connell, BOS representative
Richard D'Amato, Alternate

Bill Parker, Dir. Planning/Community Develop.
Lincoln Daley, Assistant Planner
Shirley Carl, Admn. Asst.

Minutes – August 19, 2003

Housing Initiatives of NE Corp. – Bridge St. – Map 26, Lot 91, -91-1 & 182 – Site Plan
Danielson Realty Trust/Rick Holder – Ponemah Hill Rd. – Map 48, Lot 52 – Subdivision
Harold Webster/Sunny Prairie Farm – North River Rd./Trombly Ter. – Map 4, Lot 31-5 &
Map 4, Lot 29 – Subdivision
Otis Properties, LLC – Jones Rd. Map 13, Lot 12-2 – Subdivision
Otis Properties, LLC - Jones Rd. Map 13, Lot 12-2 - Site plan
Gavin Construction – Johnson St. – Map 25, Lot 96-1 – Subdivision
Falcon Ridge/River Rd. Trust – Maple St./Whiting Hill Rd. – Subdivision
Mile Slip Development, LLC – Mile Slip Rd. – Map 50, Lot 9, etc.
Hitchiner Mfg. Co./Barrett – Elm St. – Map 7, Lot 6 – Site Plan – driving range
Aubrey Barrett – Elm St. – Map 7, Lots 10 & 12 – 18-hole golf course
Dream Makers Investments, LLC – 76 Elm St. – Map 25, Lot 127 – Discussion

Motion to approve _____

Seconded by _____

Signed by _____
Chairman

Chairman Murray opened the meeting at 6:30 PM.

1. **Minutes** – On a motion by J. Dannis, seconded by W. Fitch; abstention by T. Sloan and N. O'Connell and voted with two minor corrections, the minutes were approved.

R. D'Amato sitting for S. Sareault.

2. **Housing Initiatives of NE Corp/Judith White/County Stores** – Bridge St. – Map 26, Lot 91, 91-1 and 182 – Public hearing for a major site plan for the construction of a three-story, 19,641 SF J./building addition to “The Mill” for 25-one-bedroom elderly housing units – new application

A motion was made by R. D'Amato, seconded by J. Dannis and unanimously voted that the proposed site plan represents no potential regional impact.

The owner/abutter list was read into the record - Present - Cyndy Taylor, Housing Initiatives; J. Kevan, TFMoran; Alfred Karnis of Custos Morum Lodge; and Frank & Martha Manley of the Cabinet.

A motion was made by P. Amato, seconded by R. D'Amato, and unanimously voted to accept the application.

J. Kevan made the presentation

- a. The project involves three parcels – Lots 91 and 91-1 are being consolidated totaling 1.23 acres. Lot 182 consisting of .11 acres has a building on it, which will probably be demolished.
- b. Property is located in the commercial district.
- c. The proposal consists of an addition to existing independent elderly facility on Bridge St. Currently there is a three-story building known as “The Mill”. The addition consists of 6,600 SF per floor; three stories with a partial basement.
- d. Parking – propose 32 parking spaces. Regarding the Leighton White office building – this would be removed and utilize his parking and add pavement in front and green space, increase landscaping at the front of the building.
- e. We have been before the Shoreline Protection Bureau and submitted a waiver request. In their eyes, because there is parking at this location and they consider that as a structure and it becomes a change of use – changing from parking to building structure. They didn't have a problem.
- f. Drainage will function as it presently does. There is a rock swale that runs right along the toe and discharges to the river. We are collecting runoff in a catch-basin structure in the parking lot, capturing it and driving it back to the same swale. Some of the front area discharges to the road and there is a decrease in run-off.
- g. Utilities – we would connect sewer and water, etc. through the building itself – no new services. There is one pole we are looking to remove that is in the front and add a pole with its equipment (the location was pointed out on the plan) using the same underground feed to the building.
- h. Presently, there are 45 units and proposal is to add 25 one-bedroom units. This is considered to be affordable housing – below market rate rentals for the units.
- i. Requesting waivers – to be discussed later.
- j. At the conceptual meeting the Board asked for an elevation. The architect had drawn a portion of the building, which made the addition look like it was extremely large. He now showed the elevation of the entire building. We are proposing to use similar materials as the current building. This shows the building from the riverside being brick with gray clapboard breaking up the façade. From the street, we attempted to add some street

trees at the front of the building and between the parking and the street. The other benefit is we would complete the sidewalk (presently it ends at the front of the building) then there is open pavement and we would add that sidewalk through that section with straight granite curb.

- k. The elevation view was shown to the Board. The view shows some of the tree coverage from this end of the building down. Our plan is to maintain the tree cover, per the Shoreline Protection we are not supposed to cut any of the vegetation in that area. The intent is to maintain the tree cover.
- l. A narrative had been filed with the department and this was discussed. It addresses a number of points regarding the elderly development. (see file)
- m. The Board was shown an enlargement that shows the additional parking on Lot 182. The existing building is proposed to be razed and provide six or seven parking spaces and add landscaping and vehicles would enter off the side street accessing the lot from an upper area, leaving the foundation and adding landscaping along Bridge St. This would add to the existing 32 spaces totaling 38 spaces. He also showed a sketch of the current courtyard area. We propose to upgrade the common area.
- n. One of the more significant issues i.e. density. We are exceeding the allowable density that is permitted (reference Narrative Page 3, Para. E – Density). The other issue that the Board focused on was parking. Requesting a waiver on the parking, providing 32 on-site and six off-site. We are under the requirement per Town ordinances. Density – the owner has a waiting list of approximately two years and the units are one-bedroom and are affordable units and rental rates are under market rates. The underlying district doesn't have a set density, but the elderly ordinance does and the Board has the authority to waive it. The type of housing, the location being adjacent to the Oval, they have 45 residents presently, 18 have registered vehicles and there are only 14 on site, which is less than one-half. We are shooting for a 50% ratio – we are proposing a total of 70 units and we have 38 total parking spaces. Based on their experience, we feel the parking is well within reason. Due to the fact that these are not upper end units that people don't have vehicles and utilize the location and the transportation that is available to them. R. D'Amato questioned if there would be an elevator in the building with the response in the affirmative. Further discussion on the density. C. Taylor commented that the commercial district doesn't have a density requirement but under the senior housing ordinance the Planning Board has a right to modify this requirement. Discussion ensued regarding property tax status of a project like this. J. Dannis then stated that the assessed value of the building is less than if it were rented at market rates and C. Taylor agreed.
- o. J. Dannis then spoke to the elevation and asked if they were to give up one story, how many apartments would they lose? Response was that they would lose eight units, as there are eight units per floor. Cyndy stated that it would look more residential in scale rather than just a huge mill building when looking at the new addition. The addition will be back from the street about 55' where the existing building is right on the street.

T. Sloan then spoke to Ms. Taylor's comments regarding the ordinance. He doesn't think it gives the Board the leeway to grant the waiver on the basis of density but it actually talks about the underlying district, whichever is more stringent, is the one to be applied. There is a 35' setback between the buildings and he doesn't see how that has been achieved and no one has asked for a waiver in that regard. He was informed that it is one building; the addition will be connected to the existing building. T. Sloan also felt there should be a solution to the parking issue. C. Taylor stated that it is their intent to limit the number of vehicles to 50% of the development as part of the condition of occupancy. When people discuss renting with them, we know if they have vehicles or not.

N. O'Connell informed the Board that the Heritage Commission backs up this development. They also had several points in place so it doesn't cause an issue at a later date i.e.

Utility easements in the alley between the Wetherbee building and Eagle Hall. There are gas and water main easements and they would like to make sure they are addressed. C. Taylor responded that there are no legal easements on this property at all. There is one parking space that other people use and she respects that. We actually control the access driveway that goes into Wetherbees and we will respect that also. There are easements that go to a certain point but we are respecting the current use of that. J. Kevan stated that they have spoken to PSNH because there are several lines that go around there. We have talked with them from two perspectives i.e. when the building is taken down, they don't want the lines in the way. N. O'Connell stated that another issue that arose was that this in within the Main St. area and we would like to see this being coordinated through some of the Main St. Programs perhaps with the lighting that we have on the Oval that could be extended down into that area. C. Taylor stated this has been discussed and we would like to work with them. P. Amato stated that the Mill has worked well for the residents for 20 years and feels it will be done in a tasteful manner that will add to the Oval.

J. Kevan is aware of Mr. Ruoff's concerns regarding the sidewalk. That has been taken care of.

Russ Labbe, 46 Stable Rd. questioned if any of the residents have visitors that might have cars, possibility of use changing, etc. C. Taylor explained the situation with parking i.e. visitor parking across the street on Lot 182. She further explained that as part of the financing she has to promise this use will be the same for 40 years. She doesn't see this use changing and if someone were to, they would have to return to the Planning Board. This will be affordable senior housing for years.

T. Sloan felt that potentially the lot across the street (26/182) could possibly be sold to another party, is it possible to tie that to the proposed lot line adjustment that will be done with the two lots across the street? C. Taylor assumed that lot was 50% parking for our population and at least three would be located on that lot. J. Kevan stated that lot is being shown as part of this site plan application and he assumes that it being approved, he couldn't come in and take away those spots without returning to the Board.

T. Sloan then brought up brick façade versus block. He was informed that it would match the brick on the original building. T. Sloan wants to see the plan with the telephone pole in front of the building. J. Kevan responded that right now, that is where it is located. C. Taylor explained that she wants it underground completely. The service going down Bridge St. is the main service for the Oval. We are trying to eliminate overhead power into the building. She received an application this date to submit a CDBG to put our power underground.

A motion was made by R. D'Amato, seconded by P. Amato

-to grant the following waivers and was voted by majority (T. Sloan opposed);

1. Site plan regulation Article IV, Para. 4.024 – Landscaping Adjoining Parking Lots - to provide fewer than one tree per 30' of perimeter along eastern property line of Map 26, Lot 91-1.
2. Zoning Ordinance – Article VII, Para. 7.074.E.1 - Minimum standards for development to allow for 25 additional units.
3. Zoning Ordinance – Article VII, Para. 7.074.K.1 to allow one-half (50%) of the required parking.

A motion was made to approve the plan pending the following:

1. A note indicating that the proposed building will substantially reflect the architectural elevations shown to the Planning Board on September 16, 2003.
2. A note added to plan that the proposed building will be subject to the appropriate Town impact fees.
3. Lots 91 & 91-1 be combined and recorded in the HCRD with a copy of the recording number provided to the Town.
4. Comply with Mr. Ruoff's comments regarding pulling the sidewalk back on Bridge St. to accommodate an 18' roadway.

Motion seconded, by P. Amato and voted by unanimous vote.

3. Danielson Realty Trust/Rick Holder - Ponemah Hill Rd. – Map 48, Lot 52 – Public hearing for a subdivision of one lot into three residential lots and a remaining lot of 24.048 acres – new application

A motion was made by R. D'Amato, seconded by J. Dannis and unanimously voted that the proposed subdivision represents no potential regional impact.

The owner/abutter list was read into the record - Present – Rick Holder; J. Heavisides of Meridian; David & Donna Reedy; Kirk & Kathlyn Carnahan; Rolfe Milford Realty Trust; Maryellen Reed; Philip & Ruth Bean; and Jerry & Donna Jorgensen.

A motion was made by P. Amato, seconded by R. D'Amato and unanimously voted to accept the application.

J. Heavisides made the presentation:

1. There had been a change in the zone line on 48/52, which goes down the middle of a wetland and pond area.
 2. Proposal is to make three residential lots with a minimum of 200' frontage.
 3. The lots are proposed to be served by on-septic and wells.
 4. Lot 3 has a guard rail proposed on the front so that the driveway on the southern edge
- The other two lots will have a shared driveway near the intersection of Stable Rd.

At this time, J. Dannis questioned what was there before the zoning district changed and he was informed that it was one lot. R. Holder stated that at that time, the number of lots weren't addressed that the intended use would be residential. It was set aside as a buffer so there would be no commercial use along the east of Ponemah Hill Rd. J. Dannis then questioned driveways - If you are putting the driveway by the intersection, would it meet the distance required? J. Heavisides stated that it could be aligned.

J. Dannis then spoke to the building envelope and asked how challenging is this one? J. Heavisides responded that they are showing a 25' wetland buffer and as part of the process there is an additional 25' wetland easement. Taking 50' away from the wetlands, Lot 3 becomes a triangle but there is plenty of room in the corner for a building. The remaining lots should have sufficient room for a building. Discussion ensued on the building envelope. J. Heavisides felt these lots were suitable. No waivers would be required. It was noted that Ponemah Hill Rd. is a scenic road. N. O'Connell stated that the driveway on Lots 1 and 2 have a fairly decent drop. Questioned the line of sight for Lot 52-1 and if the driveways were shared it would be for both of them. She feels this should be looked into.

Concerns were brought up about drainage, traffic, wetlands, icing of roads i.e. Ponemah and Stable Rds. widening of Ponemah Hill Rd. by the following abutters i.e. Ruth & Phil Bean, Margaret Rolfe, Donna Jorgensen, Maryellen Reed, and Kirk Carnahan.

The following is the actual concerns that were voiced:

Phil Bean, abutter Fernwood Drive – stated that on the drawing, a person has to come up Ponemah Hill and it doesn't widen. J. Heavisides stated that they do not plan on widening the pavement.

K. Carnahan, abutter questioned what constitutes a definition of dry land? J. Heavisides responded that they had a scientist go out and he uses the criteria set by the State. Mr. Carnahan stated that isn't a dry area, it is a catch basin for the overflow of Ponemah Hill Rd. and the entire wetlands area. How was the conclusion arrived at that it was dry land? J. Heavisides responded that there is land by the road that isn't wetland. K. Carnahan asked if they plan on putting a lot of fill in there. He was told that these lots lend themselves to walkout basements and that reduces the amount of fill required.

Maryellen Reed, abutter stated that at the junction of Ponemah Hill Rd. there is a very steep hill and there is major runoff where there is no a sewer and these things have storm drains. Even with these sewers the area iced up in winter and DPW is constantly up there because of the ice buildup at the intersection of Stable and Ponemah Hill Rd. because the sewer doesn't handle it. The Fire Tower also drains into this site and is heavy winter and spring drainage. She is also concerned about the impact on wetlands that are behind it. Ponemah Hill Rd. is becoming a highly traveled road as people on 101A use it and then go down Emerson Rd. We also have continuous traffic out to Rte. 122 and that junction is very dangerous.

Margaret Rolfe, abutter stated that when a person goes by that area, there is a steep drop from the road where the pond was originally going to be and there is a tremendous amount of fill that will be needed – it is very wet. J. Heavisides responded that the system would probably have to be elevated 2-3'.

Ruth Bean voiced some of the same issues as other abutters i.e. traffic and wetlands. J. Heavisides responded that there only three lots being proposed, no road is being constructed. The only development will be for the construction of the houses and leachfield. The state has required a conservation buffer around the wetlands (conservation easements). The State will keep their eyes on this for a while.

Donna Jorgensen, abutter voiced issues regarding drainage. In April and March water comes up to within 20' of our house. If that gets disturbed we will be in trouble.

J. Heavisides stated that the houses would be up front. We won't be affecting the drainage on the other side. Nothing is being done to the drainage. P. Amato asked if the Town would need a drainage easement onto Lots 2 & 3? Kevin Lynch would like a drainage easement.

Hub Seward, CC had a concern with the 24 acres left over.

A motion was made by P. Amato, seconded by Chairman Murray to table the plan to October 21, 2003 pending a site walk to be conducted on Sept. 23rd at 5:30 PM

7:50 PM - Steve Sareault is sitting on this case. (Postponed to 8:30 pm)

4. Harold Webster/Sunny Prairie Farm - North River Rd. & Trombly Terrace – Map 4, Lot 31-5 & Map 4, Lot 29 – Public hearing to amend an open space subdivision with the creation of one new lot – new application

A motion was made by N. O'Connell, seconded by W. Fitch and unanimously voted that the proposed subdivision represents no potential regional impact.

The owner/abutter list was read into the record: Present Stan Trombly; Bill Davidson of Meridian Land Service; Marvin Weinstein; Mark & Kathleen Hoffhein; Wendy Liberty and Carl Johnson

A motion was made by S. Sareault, seconded by J. Dannis and unanimously voted to accept the application.

B. Davidson made the presentation:

1. The lots that are planned to be subdivided are 4/31-5 and 4/29 that extend out to North River Rd. **Due to the complexity of the lots in this subdivision most of the information had to be pointed out on the plan and explained several times.**
2. Presently, 4/29-1 and 4/31-5 are conventional lots and have 200' frontage each, will be served by individual wells and septic systems. We are planning making 4/31-5 go along Trombly Terrace and encompass a piece of land to make it a more desirable lot. As it exists it is a buildable lot. It hasn't been built on because they were planning purchasing the Webster property. J. Dannis commented that by showing us the frontage that is being shown, you are showing us what would purport to be conventional lots. B. Davidson agreed that both lots would exceed two acres with 20' of frontage. It was explained that the frontage of 29-1 is the end of the hammerhead and the elbow of the hammerhead. The frontage on the larger lot is unusable as a lot of it is in conservation. B. Davidson continued by speaking to access that there is a section where they could access. He has provided for a proposed access easement at the end of the hammerhead to go onto that property as well as extending it out.
3. Discussion then turned to open space and the previous subdivision. S. Sareault asked what effect does this application have on 4/32 owned by Lockheed? B. Davidson responded that they weren't impacting it all. S. Sareault referenced 4/29-1 and stated that there is a hatched area labeled as a proposed access easement to benefit 4/31-5 and asked for an explanation as to the necessity of it given the configuration of 4/31-5 where it has several hundred feet of frontage? B. Davidson responded that there is potential for two buildable areas on 4/31-5. The locations were pointed out on the plan. The first buildable area is the southern portion of 4/31-5 and the northern portion of 4/32. The access easement permits a purchaser to build on the back half of 4/31-5 should they choose. What sort of wetlands impact would that desire. B. Davidson responded it would be a minimum expedited permit for a driveway crossing. It would be the ideal place to cross the wetland, if need be.

J. Dannis asked if the Planning Board should have some concerns about such an irregular shaped lot, in particular where a lot has been designed to be almost solely to meet the frontage requirements? The lot is so creative, it almost opens the door to saying to anyone that who can mix/match strips of land; it doesn't tell him what frontage is meant to be. B. Davidson responded that originally we were asking for three lots and that proposal was done twice and we were told that nothing changed on the plan; which essentially it hadn't. Then we were told we had a frontage issue and that we should think about the amount of lots we had. Now we have two lots that do meet all the requirements of both the conventional and open space subdivision with the modifications we talked about i.e. open space. The configuration of the lot is strange but you are looking at a 4.2 and 8.7-acre lot, which have a large potential for buildability through that site. We tried to work with what we had and they are two sizeable lots. The discussion then turned to driveways off of hammerheads for piling of snow. DPW does have a copy of the plan. S. Sareault asked if 4/31-5 could be accessed from its own frontage with the response being yes, with a wetland crossing.

Carl Johnson, Trombly Terrace stated that there is a drainage ditch on the north side of Trombly Terrace and asked if the driveway is put, will the Town control where the water will go and make sure that the developer puts in a culvert? B. Davidson explained that there is an existing culvert and it was pointed out on the plan so any of the drainage on this side and our driveways wouldn't affect the drainage.

A motion was made by J. Dannis, seconded by S. Sareault and voted by majority vote (P. Amato opposed) subject to the following:

- a. Technical issues involving the required open space requirements for Map 4, Lot 31-5 be resolved and a note be added to the plan indicating compliance with the Town's open space requirements;
- b. All monumentation be set or a security be submitted to the Town to cover the cost of said monumentation;
- c. A note indicating that any new construction lots shall be subject to all applicable Town impact fees; (these fees are to be paid at time of C/O)
- d. A note indicating that wetlands permit, if necessary, shall be obtained prior to issuance of a building permit;
- e. Receipt of State subdivision approval; and
- f. Receipt and resolution of comments from Town Staff.

5. Otis Properties, LLC - Jones Rd. - Map 13, Lot 12-2 - Public hearing for a two-lot subdivision - (Property owner - Main Atlantic Properties) - new application

S. Sareault asked if the VIP site plan needs to be amended based on the proposed subdivision? J. Heavisides responded in the negative and that is the reason we are providing the parking easements.

A motion was made by S. Sareault, seconded by J. Dannis and voted by majority vote (N. O'Connell - opposed) that the proposed subdivision represents no potential regional impact.

The abutter list was read into the record. Present - Steve McDonough of Otis Properties; J. Heavisides of Meridian Land Services

A motion was made by P. Amato, seconded by W. Fitch and unanimously voted to accept the application

J. Heavisides made the presentation:

1. This is the existing VIP site consisting of 2.1 acres and the proposal is to subdivide out .65 acres for another project;
2. There is an easement on the back of the property that services Town water and sewer.
3. The open space on the VIP site is still 37%.
4. There is an access easement for both lots to share the access.

P. Amato asked if the Board is in possession of a plan signed by the owner of VIP land i.e. Maine Atlantic. Discussion ensued on this issue. P. Amato asked if the former right-of-way of Jones Rd. have any effect on the plan. J. Heavisides responded in the negative, it was discontinued but there are easements, overhead wires, sewer and water easements, there is a 50' wide power easement and nothing could be built there. The situation regarding the signed plan continued. There was a transmittal sheet from Meridian Land Services indicating that they had submitted a signed plan. (Later - A search was conducted and the signed plan was part of the paperwork

that had been provided to the Board). N. O'Connell accepted the transmittal sheet as documentation that the signed plan had been received. All members were in agreement except P. Amato. Meeting continued. S. Sareault asked if the original site plan for VIP

A question arose as to the previously approved subdivision and VIP Site plan issues. B. Parker doesn't feel that the VIP site plan issues should not be tied in with this subdivision. S. Sareault and P. Amato disagree because this is the one affecting VIP site plan. B. Parker continued that VIP is a separate entity that would have to be solved in and of itself. P. Amato stated that VIP is in front of us for a subdivision, when we go to the site plan of 13/12-3 then VIP isn't in front of us. This is the one that has connection to VIP not the site plan after subdivision. P. Amato then commented that if this lowers VIP open space to 20% it wouldn't work because the site plan on that property. If it takes away all of the landscaping that VIP has, then this is the time to deal with it.

A motion was made to approve the subdivision subject to the condition that bounds be set or security received to cover the cost of said monumentation; motion was seconded by T. Sloan and unanimously voted.

6. Otis Properties, LLC - Jones Rd. – Map 13, Lot 12-3 – Major site plan for construction of a carwash facility (property owner – Maine Atlantic Properties) tabled from 8/19/03

J. Heavisides stated that there were no changes to the site plan since the last meeting. There were three items that needed to be addressed.

1. Examples of signage
2. Open space
3. Note that the building colors are to match the adjacent parcels.

Note "A" has been modified - The color of the building will match the color of the buildings on the abutting lots.

Note "J" has been added regarding payment of municipal impact fees.

Provided a sample of the main sign. S. McDonough stated that the sign is merely an example of what he wants (style) and it isn't to scale. Kevin Lynch told him that he would be dealing with him and advised him that he would probably want a reader board to promote specials.

Green space – he wanted to see a colored plan showing the green space. It is within the limits of the parcel and the limits of the pavement. It doesn't include anything beyond the property line.

N. O'Connell had visited the other car wash on Nashua St. regarding the number of vehicles using the facility. She sees a potential problem with the cars going through the intersection of Jones & Phelan Rd. The traffic study that was done in July, when people are washing their own cars, as opposed to going to a car wash, she questions the validity of the traffic study. White Duck has the ability to wash a vehicle in two minutes and our operation takes five minutes.

P. Amato asked if DPW and the sewer department reviewed this - this car wash isn't using recycled water. L. Daley stated that this was looked at and there wasn't any problem. W. Fitch brought up the issue of the removal of the steeples on the building. J. Heavisides stated that everyone thought that it matched VIP and there were no requirements to remove them. A roll call of the situation of the dormers was made – in favor – S. Sareault, J. Dannis, Chairman

Murray; remove – W. Fitch and N. O'Connell; indifferent – T. Sloan and P. Amato. The final resolution was to leave the dormers on.

S. Sareault made a motion to approve the plan, seconded by J. Dannis pending conditions from staff that are applicable to the site plan and be consistent with the elevation provided to the Board by the applicant and signage to be per regulation and be consistent with the style shown to the Board and voted by majority vote (P. Amato opposed).

9:15 PM

7. Gavin Construction - Johnson St. – Map 25, Lot 96-1 – Formal Board action on subdivision (previously heard on 6/17/03)

The owner/abutter list was read into the record: Present – Atty. Westgate representing Frances Gavin; Randy Haight from Meridian Land Services; Callie Sue McMahon, abutter and Frances Gavin.

R.Haight explained that he had a meeting with D. Fitzpatrick, H. Seward, L. Daley and Mr. Westgate.

At the last meeting there was a motion on the floor to approve the plan subject to a non-disturbance area, that was discussed and L. Daley brought up the concern that he would like to see a little smaller building footprint. This was discussed with F. Gavin and prepared a non-disturbance area (it was defined and showed where the monuments would be placed and it is shown on the plan outlined in yellow). We also reduced the building size down so there is a maximum potential of building of 26x38' for lot 96-1 and 26x48' versus 52' – both were reduced by 4'. Also, slid the buildings up so they were a minimum of 5' away from the building setback to the south and the wetland buffer. We added Notes 6 & 7 regarding the non-disturbance area.

Chairman Murray asked if there is sufficient room for the equipment to move around and do the work with the response being in the affirmative. There is 30' between the buildings.

J. Dannis questioned what Note 6 means, in particular, "no changes in your protection area except in connection with grading and backfilling activities contemplated by the approval of the plan". R. Haight stated that they called out that there would be disturbance of the buffer with grading – we are proposing 2,465' grading. J. Dannis continued by stating that they are proposing to set monuments and asked if that area of demarcation be part of the deed as well. R. Haight responded that it would be. S. Sareault then refers back to Note #6, last portion of the note i.e. "non-disturbance area shall not be obstructed, diseased, damaged and dead vegetation may be removed from the non-disturbance area, vegetation maybe maintained so as to be kept in a neat and attractive condition in the non-disturbance area". He asked who would be the qualitative and quantitative overseer of "neat and attractive condition"? R. Haight responded that he could add language to infer that it is in accordance with the Best Management Practices. S. Sareault felt it is reasonable to allow some maintenance of the vegetation as it can get snarly. R. Haight responded that he would happy to add the phrase. S. Sareault questioned tying it to the conservation commission approval. J. Dannis asked how involved would the Con Com want to be in light of the fact that there is State standards and have enforcement officials for it. P. Amato was concerned with the phrase non-disturbance if a person can go in and do stuff. S. Sareault pointed out that it is defined, it is said that it can't be disturbed except for a couple of issues. He is just trying to tighten up the vegetation maintenance. The three conditions in the letter of September 24th would have to go in the deed. J. Dannis then entered the conversation by stating the note should be revised to refer to Best Management Practices and to add, if CC wants it, advance notice and consent to changes.

At this time, J. Dannis came up with some notes that should be added to the plan (see conditions as stated in the approval letter). L. Daley questioned the condition regarding the ConCom and enforcement. J. Dannis responded that the idea is to have someone involved because of the concern of sensitivity, how it gets enforced. There are State authorities to enforce best practices. P. Amato asked if the builder could put up a fence that shows "edge of work". R. Haight stated that they are putting a siltation fence all along the limits of the work area.

Calli-Sue McMahon stated that the Board knows her concerns from the last meeting and they still stand. N. O'Connell asked if we got her lot lines straightened out? L. Daley informed the Board that it is a non-issue for this project. It would be a civil issue between her and the property owner.

S. Sareault made a motion to approve the plan subject to the revisions of Note #6 on the plan and the conditions outlined by staff; and the silt fence be placed at the boundary of the non-disturbance area. J. Dannis seconded it for discussion. N. O'Connell state that things haven't changed her mind as she is concerned with the future liability that a resident would have (See Page 14, Lines 18 – 27 of the minutes of 6/17/03) and asked they be entered into the record. As a selectman, she cannot put the Town in that type of position. Vote as follows: Affirmative – W. Fitch; J. Dannis; S. Sareault and T. Sloan; Opposed – P. Amato and N. O'Connell. Motion carried by majority vote.

The conditions attached to the approval are below:

1. The following language be added to Sheet 1, Note #6: ... Diseased, damaged and dead vegetation may be removed from the non-disturbance area and vegetation may be maintained USING THE BEST MANAGEMENT PRACTICES ESTABLISHED BY THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES so as to be kept in a neat and attractive condition in the non-disturbance area
2. Both present and future grading and backfilling shall refer specifically to what is shown on Sheet 2 of the Plan.
3. Advance notice and consultation with the Milford Conservation Commission of any disturbance within the delineated area of the wetlands.
4. All previous statements (1-3) be noted in the deed of the properties.
5. Silt fence to be located at the boundary of the non-disturbance area.
6. Add a note on the plan that both Lots 96-1 and 96-2 will be subject to impact fees i.e. water, sewer, police and library; and
7. All monumentation be set or a security submitted to the Town for same.

9:40 PM

8.Falcon Ridge - Maple St. & Whiting Hill Rd. – Map 3, Lots 4 & 5 – clarification on open space subdivision application process and requirements.

J. Heavisides stated that at the last meeting, we were asked to show grading on a non-waivered plan

We have an open space plan with no waivers requested.

1. Road is at 6%; cul-de-sac length is 600'
2. We have the alignment of the section of the road coming off of Maple St. and it hasn't changed. Further on he had to change the alignment to avoid the fire pond and get to the top of the hill. The 6% grade goes from Maple St. to around Lot 3 or 4. There will

be a lot of cut on the proposed road near the fire pond at the deepest point the finish grade is a 55' cut.

3. The next place where it is 6% is after Lots 34 and 33 to the cul-de-sac.
4. To make the cul-de-sac no more than 600' we realigned the road going over to Whiting Hill Rd. near Lot 33.
5. Any lot that had a driveway near 10% has been graded out.
6. Driveway for Lots 45 and 46 – 10%.
7. Lot 42 has some 10% in it.
8. Lot 22 – 10%
9. Now we are on the cul-de-sac and it isn't necessarily at 10% grading – it ranges from 10 – 6% - going up. The cul-de-sac is lower than the terrain.
10. We have 46 lots that were determined as the maximum lot density for a conventional subdivision. The lots all have minimum of $\frac{3}{4}$ acre in size; we tried to go with 125' frontage and we have some back lots.

The other plan is a modified one (the one that N. Chamberlain had before the Board last time).

1. Any lot that had a driveway close to 10% to prove that we could get access to a lot has been shown.
2. By coming out at 8% requires a lot less grading in the first 1,200' of road. This has about a 23' cut. The section of the road that is 8% has no lots or driveways on either plan.

Plan with waiver:

1. There is a shared drive for Lots 45 and 46, which have a section of 10% on the westerly part.
2. Driveway for lot 40 has a 10% driveway.
3. Lot 137 – 7% driveway
4. Lot 12 - we show a house with a driveway up front.
5. Lot 131 – 8%
6. Grading near the cul-de-sac is within the 30' front building setback.

The reason for the waivers – not only is there less excavation for this less disturbance. The area near the fire pond is a vastly less disturbance than if we stay with a 6%. Part of the open space is to minimize the impact that a conventional subdivision would have. In order to reduce the amount of disturbance based upon grading, we feel the 8% works better. With the 8% the lots are slightly larger, a little over an acre on an average. On the non-waiver plan we can adjust the lots.

This is another presentation that can't be put into black and white as everything was pointed out on the plan.

Regardless of 6 or 8%, it was determined that 46 are the maximum number of lots on this subdivision. We feel it is better for the community not having a huge gully (50') cut. J. Heavisides again explained to N. O'Connell the reason why the road can't come off of North River Road instead of Maple St.

J. Dannis explained that he wouldn't personally be prepared to vote on a waiver at this stage of the procedure. He would want to see more of the dialogue on the open space and how it is designed and a give and take so he could fit together so he could tell if these lots would occur or not.

J. Heavisides stated that they have met with the CC and B. Parker to figure out what areas CC would recommend to the Planning Board to be preserved as open space. The Planning Board is going to take the comments, weigh them and make their own decision. We are here tonight to

ask for the flexibility to build up to 8%, this will allow us the flexibility to move the road, adjust the lots and be able to give more open space connection. With 6% there will be a lot of grading. We need to know whether we can design this project at either 6 or 8%. S. Sareault felt that until there is some resolution to the open space, it seems hard to grant a waiver for the road because the plan later for the open space may sway the decision because there is an objective to meeting an open space requirement that would require a waiver whereas...

J. Heavisides asked if he could get an agreement that no matter what happens up here you will want a road to connect all the way through. We are here to try to get waivers for the road grade. If we can move the road around, and he thinks the Board will agree with him, that 6% with a over 300' wide swathe versus 8% with a just under a 200' wide swathe, 23' of cut versus 55' of cut makes a little more sense regardless of where the open space end up out back.

S. Sareault then refers to open space and what land features are to be included - the areas where you are looking for waivers for grading are any of those features within those slope limits of the non-waiver plan. Whether it contains a feature that is desirable to be included in open space i.e. water, habitat, slopes, species, soils, historic features, plan trail, etc. J. Heavisides responded that it has the entire front hillside, which is wooded, fire pond, there is no area that is unique until you get down to the field area. Nothing that is desirable for preservation in the open space is impacted by the waiver. The site is pretty uniform. S. Sareault there isn't a specific feature that granting a waiver allows us to maintain its existing state meaning waiver doesn't save a historic foundation, wetland or known habitat. Where the cul-de-sac is under both alternatives is the top of the hill. One of his thoughts on the open space is that it is kind of a nice view shed and he thinks it is something that would be worth preserving for the community there and the community as a whole. He would be in favor of that being taken into consideration in the design of the open space whether it is just a lot that is being set aside in order to maintain the view shed will have to be discussed. His other concern and it may or may not affect waivers this evening is the shape of some of the lots under both alternatives. He asked if it would be of assistance to you to get an action on a waiver but be conditioned on a final design of the open space? He proposed, if the Board would go with the waiver, that it be conditioned on design of the open space and after we get the design of the open space, we get another action from the Board, removing that condition, once the open space has been satisfied.

Andrew Prolman, attorney – he suggested that if something like that is done and ultimately the plan isn't approved, the waiver goes away naturally. He stated that the Board has to let us out of this box. We started this process in May; June you accepted the 46 lot density and we have been trying to work this waiver issue to just allow J. Heavisides to get to do what he needs to go just to get the application in. The discussion turned to the length of time that the design review plan has been before the Board from both N. O'Connell and Mr. Prolman. J. Dannis then entered the discussion by stating they haven't filed for an application and design review is optional, and people are asked to submit a plan before waivers are requested. A. Prolman stated that he understands the situation but by the same token the Board has an obligation to assist us so we can know which direction to go. He asked that we work toward a waiver or conditional waiver and that would be fine.

P. Amato stated that it would have helped if they had come in with a plan for waivers that didn't include the back lots and the very steep drives to get them and you came in with 42/43 lots; then some good faith effort would have been shown that it would be less expensive, make a better subdivision and a better neighborhood but we are going to squeeze in everyone of those lots because we are entitled to them. He is disappointed that we don't have a plan that doesn't show 37, 40, 45 and 46 because they are hard lots to get to. In order to get the 46 lots that you are entitled to, that is what has to be done to get them. That doesn't help to give the development a feeling of open space.

S. Sareault suggested that we act on a waiver but make the action conditioned on the final design of open space. We give them a direction but should the ultimate design of the road based on the granting or not granting of the waiver impact an open space feature, which is desired to preserve that we deal with it at that time. It is a definitive direction to the applicant with some concern for open space voiced and as soon as we get through the open space, he would be prepared to go further and grant a final acceptance of a waiver. N. O'Connell added with the applicant keeping in mind P. Amato's comments because she agrees that squeezing in lots isn't necessarily to the open space advantage. She seconded S. Sareault's motion.

J. Dannis stated that the applicant is asking us for direction, engineer has presented us with two alternatives, which vary in terms of a waiver grade on the extent of a cut and fill. It doesn't affect the rest of the design elements that we have said are important or not. He is confused as to why the applicant feels this direction is necessary at this point. He doesn't see the benefit of acting on a waiver at this time.

S. Sareault made a motion to grant a waiver to the length of a dead-end road to a maximum of no more than 900' subject to the conditions of the final design of the open space plan; seconded by N. O'Connell; the motion was voted down by unanimous vote.

S. Sareault made a motion to grant a waiver to a maximum road grade of 8% for the first 1200' of the roadway, as well as 600' of the roadway starting at the cul-de-sac going back to the intersection with the connecting road to Whiting Hill Rd. near Lot 33, conditioned on final design of the open space plan; N. O'Connell seconded; vote as follows: Yes – S. Sareault, T. Sloan, W. Fitch, and N. O'Connell; opposed – J. Dannis and P. Amato. Voted by majority vote.

.....
Discussion ensued on what else the Board would like to see.

1. Field being an important open space value;
2. Going along the road inside the development there should be some feeling of open space (one or two areas where it isn't just house, house, house. Something that gives a feeling of being in open space. S. Sareault interjected the point that a lot of the members like the feeling of the Federal Pointe subdivision. There are two or three houses and then an area where it is treed or more natural, short cul-de-sacs that make little neighborhoods within a neighborhood. A feeling where it doesn't feel like you are driving down Any Street, USA.
3. The view shed.
4. If one couldn't sufficiently preserve view sheds, fields and create a feeling of open space, Jim's calculus reduces to, sorry, there isn't enough room for 46 lots.
5. S. Sareault stated there is a connectivity around it from the portion to the north over to the portion along Maple St. and this would be a nice asset.
6. The lot size and frontage requirements are plan specific and next time; he would like to see some type of tabulation on what they are going to be. There are minimums but they are purely at the discretion of the board. Get that on the table now and get a resolution before we go too much further.
7. There are a number of lots on the existing property boundary and by the ordinance, those lots need to meet the abutting properties with the underlying setbacks and lot size requirements.

S. Moheban asked if he is at the point where application can be made or will this take at least one more meeting of discussion of the open space issue?

This is an issue that is up to him.

9. Mile Slip Development, LLC - Mile Slip Rd – Map 50, Lot 9; Map 55, Lots 1,2,3,4 & 5 – Board action on return of submitted application fees

Andrew Prolman, attorney stated that they are working on the differences with Badger Hill and they expect to be back to the Board for the third phase of the project at the beginning of the year. If that is the case, Mile Slip Development will probably come in at the same time. Conversations have been had with the owners of Badger Hill and they have indicated that the access will be forthcoming. The request was that they be returned their application money since nothing is happening at this time nor has the application been accepted.

A motion was made by S. Sareault, seconded by J. Dannis and unanimously voted to return the application of fee of \$5,332.50 and remove the item from the agenda.

10. Hitchiner Mfg. Co./Barrett - Map 7, Lot 6 – Site plan for a golf driving range – tabled from 8/19/03 - Also, the 18-hole golf course.

Jim Phippard of Brickstone Masons representing the Barrett family.

Nothing new to report on the driving range.

Several revisions to the plan were made as a result of a site walk.

1. Curb cut location – a suggestion was made that we approach the owners of the ice cream stand, which is adjacent to our property and fronts on Elm St. and propose sharing and relocating the curb cut. We spoke with Chris Ordway and they will cooperate and allow us to alter the existing curb cut and also grant an easement at the corner of their property to gain access to the golf course.
2. We are proposing to shift the existing curb cut a little to the east so that it aligns exactly opposite Westchester Dr. We will then widen the curb cut to a commercial width to accommodate truck access both for the ice cream stand truck delivery and access to our maintenance building. With this driveway opposite Westchester Dr., it is a safer turning movement for all the parties. We would have very limited use since it would be for our employees.
3. Restaurant plan – there will be some minor revisions to the parking layout. They would lose some parking spaces (again things were pointed out on a plan) in order to accommodate the layout. Our 12 parking spaces would continue to be on Barrett's land. Maintenance building location is unchanged. The Board members seem to be happy with this. Maintenance building is on Hayward's land behind the motel.
4. Irrigation – Our proposal has been to construct ponds on the property, to use ponds in an appropriate location as the source for irrigation water. The proposal now is to use the eastern most pond as the source for the irrigation water, put a pump house in this location and service the irrigation system for the 18-holes. Concern was expressed by the EPA to the Town and then expressed to us that pumping out of the pond may interfere with the clean-up efforts that are about to be underway by Hitchiner and Hendrix or not. They didn't have an answer, it was just raised as an issue. We finally succeeded in talking with the EPA, they said we shouldn't be talking to them, we should be talking with Hitchiner. This is between Hitchiner and us. We have had a couple of meetings with Hitchiner. We did speak with them last Friday afternoon and we think we are at a point now where we have reached an agreement with Hitchiner. What we would like to propose to the Town is that the Town not be in the middle of this issue between Hitchiner and us. We believe this is an issue between two private landowners and the

Town doesn't need to be an issue. It was expressed to us that we should run a computer model to determine whether or not pumping surface water out of the pond would alter the direction of the plume for clean-up efforts. We talked to Hitchiner about this, Hitchiner owns the model and they aren't interested in being in a position where they would have a model run by their consultant, therefore, they would be responsible for any findings from that model. We can understand that issue. They don't liability that relates to a golf course use, they have their plate pretty full with their issues now. We consulted with a separate hydro-geologist on our own to see if they would be willing to take this model and run it and give us the results and he isn't interested in running someone else's model and making a determination. It was very clear to us that running the model would give us nothing since no one wants to be responsible for the outcome. Regardless of what the model showed, we did our irrigation as proposed. What would be appropriate would be to do monitoring. If we did this, got all our permits, built our golf course, put in our irrigation system and started irrigating the way we want, would Hitchiner be willing to continue their monitoring to determine whether or not the irrigation is having any impact. Hitchiner responded in the affirmative and they are willing to enter into an agreement to that effect. If we are doing anything that alters the plumes as a result of our irrigation, we would stop. If we are making it worse, we are making it worse for ourselves. They have agreed to do the monitoring if we do the irrigation. We do have alternatives that can be considered at that point, either way the Town doesn't have to be in the middle. That is our proposal, Milford not be in the middle on this issue. We will deal with Hitchiner, we will have a written agreement between the two parties and we are sure the EPA will continue their monitoring. J. Dannis asked how is the Town protected if you set up this pond, start drawing from it, the plume goes somewhere it isn't supposed to go, now the PB has approved a project that has drawn a problem into a larger problem than it was. Is there something that protects the Town against that risk? N. O'Connell felt that has been the question all along. B. Parker stated that whatever attorney the Town is using we would have to get them to write off this issue. P. Amato asked Mr. Phippard if he would have a problem if the Town had an option to review the documents that you and Hitchiner have put together? Mr. Phippard hesitated and then stated he wouldn't believe they would have a problem. S. Sareault felt that the approved site plan should make reference to that document by note. Mr. Phippard stated that it could be put in the record that the Town incurs no responsibility for this action. We don't have all the information to the degree that Hitchiner does. The consultants that we spoke to believe because we are pumping from surface water, there isn't any way we will have an effect on the plume. It isn't a well, we are not removing water from 100' below ground, and we are pumping right at the surface of the groundwater. We are pumping at a low enough rate with a limited enough use that we would not be removing enough volume to have an effect. S. Sareault then commented that all of the irrigation water will come from the pond but they won't have a well for the driving range. The plume has been monitored for 12 – 15 years. They have tracking its motion since it was discovered. There are 90 monitoring wells in place throughout this property and property owned by Hitchiner to continue the monitoring. The Barrett's have given them permission to go on their property to continue monitoring. This agreement would be giving them permission to install additional monitoring if necessary as long as they don't put a monitoring well in the middle of a green or in a tee box. S. Sareault then stated that they would be monitoring for substances consistent with the golf course use. J. Phippard stated that we can test and screen for all the golf course chemicals that are used. In this situation, Hitchiner is testing and monitoring for the contaminants that are known to exist in that aquifer. Water has been drawn out of it 2001, they will be doing it this year; every two years and it will continue throughout their clean up process.

J. Dannis felt this was well beyond his expertise and most of the people on the Planning Board. He felt they should get this as quickly as possible to the lawyers that the BOS are using. Either it works or doesn't.

Mr. Phippard intend to come back next month with engineered site plans and ask for a public hearing and final approval. J. Dannis again stated that before they return, they should get the feedback from the Town's attorney. J. Phippard felt it could be a lengthy process. He may ask for conditional approval subject to the Town signing off. We can enter into an agreement and the attorney will start working on the agreement between the Barretts, Hitchiner and Hendrix. P. Amato felt the agreement should be separate from the Town but must provide some reassurance or protection from the Town. We want the Town held harmless. J. Dannis added that the procedures have to be reasonable.

S. Sareault made a motion to table the site plan for the driving range until October 21, 2003, seconded by T. Sloan and unanimously voted.

11:05 PM

12.Dream Makers Investments, LLC. – 76 Elm St. – Map 25, Lot 127 – Discussion for a site plan to renovate existing barn to continue light industrial and storage uses.

Harry Boheghian stated that there were four buildings on that property and two are visible from the street. The main building which is residential and there is a carriage house that was converted and there is now three apartments in it and are undergoing extensive renovations.

The purpose of the discussion this evening is the two remaining buildings on the property. One is the barn that is located to the back of the building and also a storage building. He had previously been before the Board a few months ago about putting up a 7,000 SF building in the back, but this won't be pursued.

We are now talking about taking the existing building (barn) on its current footprint as well as the storage building and continue their use as light industrial and/or storage. At the previous meeting, we were asked to do some research in terms of the previous usage of those buildings and the historical research he did indicates it started off originally as a horse farm, lumber yard and then Liberty Storage owned it and used it for storage for a number of years. The Mason's took it over and then it was sold in 1981 to Duane Brown who continued to run it as a storage building. (Letter was submitted to the Board and also showed photos) These photos show signs of Mr. Brown advertising it for storage. He also provided documents regarding continued usage of the property for purposes of storage (letter provided). The barn and storage shed was used for commercial storage i.e. Nault's Plumbing, Liberty Storage, Currier Kitchens and there were a number of other commercial business that used it for cold and dry storage. There were some residents that would store boats, autos, etc.

He would like to continue its usage. In the barn there is live industrial use or a woodworking shop, that business was sold a number of years ago, he occupies about 2,000 SF of the barn; the rest of the barn is the original horse stables and have been converted into storage units. There is a great deal of work that needs to be done to the building. He brought pictures to show the condition of the building. The back and side of the building is in significant need of repair. The westerly side of the building has significant foundation damage and needs repair. The westerly side of the building has holes in the roof. The 4th building is also in significant need of repair. The building has three overhead doors. He is proposing to restore the buildings on the existing footprints. He spoke to the renovations that were done to the main house and the carriage house. If he does the restoration, he wants to be able to get the sense of the Board and some degree of assurance that if he comes to the Board with engineering drawings, site plan and bring

the buildings up to code but he wants to be able to rent them for dry storage, etc. It wouldn't have any impact on services to the Town and would bring back the character of the property. S. Sareault then stated that if the storage hasn't been in use for a period of one year, grand fathering is affected. This is up to Kevin Lynch. It currently has a tenant so it is a continued use.

P. Amato would like to see him restore the barn, not necessarily 100%, but don't just go in and put plywood on it.

The applicant left the meeting with positive feed back.

Meeting adjourned at 11:30 PM